

Extended care: Doctrine of necessity under irreversible circumstances



MUHAMMAD NURUL HUDA

STRAIGHT LINE

The present reality is that disobedience of law has become a way of life and also a sustaining factor. The officials of the republic have been corroded by a servile mentality. The general people have nearly lost sight of the inviolability of their constitutional rights, while the political leaders feel comfortable in behaving like feudal lords. Without doubt, we are passing through hard times, but this is also the time to restore legitimacy and propriety. The people are ready to wait because they want to be delivered from the cumulative tyranny of pseudo-democrats.

HERE is no denying that, as of now, Bangladesh does not have a representative government. The interesting and sustaining dimension of the current scenario, however, is that the non-representative character has not yet posed any functional problem for the governing team, nor is there any deficit in the popular base of the guardians.

In fact, it would not be an overstatement to say that the overwhelming majority of the population, including the ever-silent majority, wishes well of the present government.

Some say that we are living in a strange and unsettling environment. There was a time when many otherwise stable people used to be in tears at the sight of our politicians going to jail, but now we have reached a point when the discomfiture of political heavyweights is a gleeful sight.

The malfeasance and misfeasance of many of our popular leaders, now interned, make diabolical reading. The present sense of relief of our people poses a very disturbing question, as to whether a non-elected government is capable of meeting the expectations of a democratic polity.

In other words, can the felt needs of democracy be fulfilled under a non-elected dispensation? Maybe for a limited period?

Many amongst the so-called politically sensitive segment of the society are finding it difficult to accli-

matize to the extended non-representative arrangement. In fact, the leading politicians of the major political parties have, time and again, impressed upon the necessity of holding early polls.

While sharing their concern for democracy, one cannot but point out that the extended presence of the present non-representative outfit has been caused by the dangerously autocratic and irresponsible utterances and acts of our seasoned democrats.

If the avowed objective of democracy is to build an orderly society where the rule of law shall be supreme then we have to, unfortunately, admit that during the last fifteen years of democratic rule we have not witnessed any admirable precedent in this regard.

It has to be admitted that the foundation of a democratic society depends largely on the resilience and dynamism of some basic state institutions, particularly the financial and regulatory ones.

Those regulatory institutions, performing as corrective outfits, assist in strengthening and stabilizing the democratic values. In so doing, they keep the excesses of the overbearing executive in check and promote the dual functions of enforcement and observance of law, which is so very characteristic of a democratic polity.

In Bangladesh, unfortunately, the activities of the aforementioned institutions have not been felt. In

administrative parlance, we have ventured to nourish democracy while behaving like middle-age feudals.

Being temperamentally autocratic, our efforts to eulogize the virtues of democracy have bordered on hypocrisy of a pathetic dimension. The political scene has been witness to some of the worst hypocritical enactments.

The autocratic proclivities of our democrats were so pervasive that demands were voiced to democratize the democratic setup. One might read some apparent contradiction in such an observation, but the fact remains that the wishes and whims of the supreme leaders were considered as the last words, and the establishment's principal objective was to preserve and further the interests of the ruling family.

The apprehension of bigwigs of recent times, the undue and undesirable interference in financial decision making with a view to extracting private profit at the cost of public interest, and the conspicuous illegal actions and arrogance of the chief executive have dirtied the contours of a democratic polity.

Government offices have been utilized as launching grounds for promoting the business interests of powerful individuals. The nation had to bear the ignominy of witnessing unbearable moral turpitude in the highest executive office. These complaints are not imaginary, as the same have been made public by persons who were privy to top secrets and shady deals in high places.

Without doubt, the body politic has been smeared by a lot of dirt, and the contribution of politicians toward this has been considerable. Quite a number of them have been instrumental in creating the condemnable contour of politics, and it appeared that there would be no end to their malevolence.

Democracy was, however, salvaged through the courtesy of the armed forces. Whether one would call it an irony or the paradox of Bangladeshi polity, one has to live with such opposing pulls and contradictory realities.

The fact of life is that while destruction demands no application of mind, it takes years to build upon. If we are cognizant of this truism we cannot expect big changes overnight from the present interim non-elected government.

If the greatness of democratic governance has been limited to the patronization of life-size irregularities and incongruities, then reversion to an orderly dispensation would require patience.

Surely, we do not want to go back to the pre-January 11th scenario. Therefore, if the element of irreversibility of an expectant polity's aspiration is taken into view, the actions of the present government, in the light of the doctrine of necessity, will be appreciated by all right thinking citizens.

Some are of the opinion that our politicians do not clearly spell out the desires of our polity, or they are not

aware of those. Another view is that they do not want to speak it out. In hindsight, it appears that if Ershad, the convicted politician, was able to contest the polls then the election slated for January 22nd would have been held, either peacefully and fairly or amidst widespread clashes.

Shall we then presume that the reforms demanded by political parties were merely for public consumption, and the same were meant only to validate a movement? It might appear that our politicians really did not want meaningful institutional reforms, but in the altered scenario, while they cannot dispute the justification of reforms, they are not willing to give a longer interval for the task to be carried out. Herein, one sees the opposing realities of our body politic.

In order to ensure democratization, reforms are inevitable but, without doubt, time-consuming. A pertinent question in this regard is whether there is merit behind the demand to somehow hurriedly do some patchwork and announce the election schedule.

Such a question becomes relevant when expert opinion says that to prepare an acceptable nationwide voter list, at least one year is necessary. During this time the preliminary reforms of the Election Commission and the Anti-corruption Commission may perhaps be undertaken.

The reform and rejuvenation efforts by the Anti-corruption Commission are likely to largely focus on the big-time corrupt ele-

ments who need to be brought under the law to free the electoral process from the clutches of muscle and black money.

Some quarters doubt whether the prevention of corruption is wholeheartedly supported by mainstream political parties. Such doubts creep in because, even when many highly corrupt suspects have not been apprehended, there are already complaints of harassment of innocent persons. Implicit in such accusation is a belief that we in Bangladesh live in a very lawful society where the liberty of individuals is held sacrosanct.

Many of us are oblivious of the fact that, in the recent past during a political regime, at least fifty innocent persons were done to death in government custody in the course of the so-called "operation clean heart."

In the most blatantly illegal manner, hundreds of so-called suspects have been killed in the much-maligned "crossfire." The question is, if such patently illegal and extrajudicial killings occurring during a supposedly democratic regime have not shaken our conscience, then why is there so much fuss now about the directive to submit wealth statements, and issuance of preventive detention orders with a view to ensuring investigation?

There is no doubt that one illegal act does not validate another irregular or illegal action. However, one has to admit that when a political government clearly shows the thumb to the due process of law and patronizes corruption, and sustains the corrupt in the society, then it deliberately places many hurdles in the way of an anti-corruption drive.

In other words, if there is no time to collect evidence, how can allegations of corruption be proved in the court of law; and to arrest on the basis of credible suspicion is an internationally recognized procedure.

However, our problem boils down to the fact that the corrupt elements who were politically powerful and

influential in the recent past did not allow any enquiry into their misdeeds. In order to lodge a first information report on corruption, one would require intensive prior enquiry. The query is, did a favourable environment exist during the political regime? Nobody has forgotten that the much-vaunted Anti-Corruption Commission became a joke soon after its creation.

It would not be an exaggeration to say that in order to have the benefit of the laws and rules of a civilized society, we have to first acclimatize ourselves to the culture of a lawful society. The relevant question is whether we had been honest in establishing the rule of law.

There are good grounds to believe that we have been narrow-minded, partial and myopic in this regard and, therefore, we must not entertain any illusion that, overnight, an omnipotent entity with omniscient disposition has dawned with a prescription for curing all ills. If there is a storm in our body politic now there could be some indiscretion at places. Such indiscretions need to be looked into for providing the necessary relief.

It needs to be kept in mind that democratic dispensation demands clearing efforts in many other sectors of public activity. For example, the Public Service Commission needs to be free from blemishes, and has to earn the confidence of the people.

It is no secret that unpardonable criminal acts have been committed in this constitutional body. The tears and cries of genuinely deprived candidates have not moved the occupiers of this august body. The appointment of 19 Judges to the apex Court had given rise to serious concern. Such uneasiness needs to be resolved and reconciled.

We would do well to bear in mind that the repeated reminders of creating a level playing field to ensure free and fair polls cannot be treated in isolation. The collective impact of the actions and reactions

of different parts of the government and society will assist in creating an election-friendly environment. The handing over of responsibilities after some work at one end, without doing the needful at the other end, might prove counterproductive.

By now we have been able to have some idea about the depth and extent of corruption and irregularities in our society. This should lead us to believe that consecutive fair polls might succeed in fostering an anti-corruption environment and positive consciousness, thereby helping to build a healthy society.

The present reality is that disobedience of law has become a way of life and also a sustaining factor. The officials of the republic have been corroded by a servile mentality. The general people have nearly lost sight of the inviolability of their constitutional rights, while the political leaders feel comfortable in behaving like feudal lords.

Under circumstances as above it would take time to normalize, but a welfare oriented government should be able to foretell how much time will be necessary to do that, and it would be prudent to open up while the going is good.

An honest government has the strength of character and the courage of conviction, and time now demands toughness. As the saying goes, "when the going gets tough, the tough gets going." Without doubt, we are passing through hard times, but this is also the time to restore legitimacy and propriety. The people are ready to wait because they want to be delivered from the cumulative tyranny of pseudo-democrats.

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ID card: Where do we stand?

S. M. LUTFUL KABIR

EVERYBODY knows the failure of the then Election Commission in its attempt to introduce voter ID card in 1995. Not only was the money wasted, but its failure is also often cited as a negative example. And raising that excuse, a number of large IT projects were handed over to the foreigners, instead of local experts, for execution.

1995 to 2007, more than a decade has passed, technology has advanced a lot. One might think that it is very easy job to introduce voter ID cards by merely pressing some keys on a key-pad. Is it really so?

"Voter ID card" together with "national ID card" have again become the catchwords these days. In the last one month, we read about more or less 100 proposals in the newspapers and the Internet on the development of ID card. Among these proposals the attractive ones were those that claimed that their proposals could be implemented within a short period of time and a relatively small budget, although most of them do not have experience of developing large IT systems.

In 2004, the Ministry of Home Affairs attempted to develop "Machine Readable Passport and national ID card." A ten-member committee was formed with the additional secretary (who is now a full secretary) of the ministry as convener. I along with my colleagues, Professor Abul Kashem and Professor Jobair Bin Alam from BUET, were members of that committee. Apart from us, the other members were representatives from the Foreign Ministry, Passport Directorate, BTB, DGI and NSI.

We visited Canada, Pakistan, Maldives, Mexico, Malaysia and Singapore to study their systems and to gather experience. Since the background and development history are different in different countries, it is not possible to follow the system of any one country in particular in developing ID card or passport system for our country. Based on the experiences of these countries, and considering our socio-economic condition and status of ICT, we designed a system most suitable for our country

and, accordingly, we submitted a report on that. On the basis of the recommendations of that report, it was decided by the highest executive body of the then government that after procuring the required hardware and appointing the necessary manpower, the issuance of national ID card and machine readable passport would commence from June, 2005.

In the report we have shown that six years would be required in order to include the whole 150 million population of the country in the national database. To run the system the Ministry of Establishment approved the manpower set-up for the proposed "National Registration Department (NRD)." The NRD, through its offices at the district and upazila/thana level, will create a national database containing the relevant information of all nationals. The data required by any agency like the Election Commission, passport directorate, police department, banking sector, NBR can be obtained from the National Registration Department. The fund required for procuring hardware, for the development and procurement of software and for the manpower was estimated to be 1400 crore taka.

We recommended implementation of the project by the local people after relevant training.

We had several reasons why the job should be done locally. First of all, we found that both Malaysia and Pakistan wasted huge amounts of money and time on their first attempts of implementing the project by the foreigners. Later, when they engaged local experts, they were successful. Secondly, the maintenance and running of foreigner-implemented projects is always very difficult when they leave the project. ID card and passport issuance are two perpetual tasks, they cannot be stopped.

The present attempt for introducing ID card is really praise-worthy. But, if the whole affair is not considered under the perspective of our country, it is not unlikely that the 1995 situation will be repeated. I would like to draw attention to the following points.

Incorporation of biometric information: In order to prove that the card-holder is really the person

Computerised birth registration process has been started, vehicle registration process is on-going, although weak, but the passport department has a database, police department maintains its own database, board of revenue manages a separate one, special branch again operates a database at the land and sea ports. The ideal situation would be to develop a central national database, having key information of every citizen, and different agencies will keep only the additional information of their need on the basis of the national ID. Today or tomorrow we have to establish national database. ID card should not be our target; it can be easily generated if we have a strong national database.

whose information is written on the ID card, it is not sufficient to include only the bio-data and photograph in the ID card. There is no alternative to inclusion of biometric information if one wishes to stop the production of fake ID cards. The card will also not be accepted at the international level if we do not follow the standards stated in "Machine Readable Travel Documents (MRTD)," prepared by the International Civil Aviation Organization (ICAO). The ID card of Malaysia, under the name MyCard, is the most advanced ID card in the world. A micro-chip having a capacity of 8 kilobytes of memory is the integral part of the ID card. The bio-data, photograph and finger-print of the card holder are stored in the chip. The multipurpose use of MyCard has made life easy. On the other hand, Canada has included facial information in its national database. Facial biometric information is not simply photograph; rather, several features of the face are stored as biometric information.

Whatever biometric feature is used for the identification of a person, it takes a long time to search a person from the database. It becomes time consuming when the size of the database is huge. If we want to develop a system where a person can be searched within an acceptable time we have to use "multiple biometric information" because we have a population of 150 million. Again, the equipment available to identify a person on the basis of biometric information are mostly manufacturer-dependent. If we collect data using a particular machine specification, that data cannot be used by machines of another manufacturer. The other

point is that the use of identification software (e.g. AFIS) should also be considered. If we do not keep the data compatible with such software, they may not be effectively useable in the future. Has anyone spent sufficient time in order to finalize these issues before placing any proposal?

The proof of nationality: During the registration process the nationality of a person must be confirmed so that a foreign national does not get an ID card. At present, the process followed during the issuance of passport is time-consuming and also full of corruption. The police department does the job. Under the present circumstances, a panel of renowned personalities of a locality may be formed to execute the job of identifying a person, whether he is Bangladeshi national or not.

Designing the forms for data collection: In fact, the success of the whole project depends on the design of the data collection system. Normally, the data is transferred from a normal or computerized form after it is collected. First, it is required to fix the data digitization process. It may be by manual data entry, or by using OMR form or OCR form, or also by sending the data from the field through a mobile network after direct entry using a laptop. There are two techniques of manual data entry. In one technique the data entry operator directly looks at the paper form laid beside his computer and enters the data. In the other technique, the data entry operator looks at a scanned image of the data form in his PC monitor and enters data. There are several relative advantages and disadvantages of all the methods of data digitization.

We, at ICT of BUET used a data entry system using OMR forms in SSC/HSC Examination Computerization Project. Again, in the project of Technical Board Examination System we used OCR-based data entry system, and in Bakhrabad and Jalalabad Gas computerisation system scanned-image assisted data entry system has been used. In between 1990 and 2002, normal data entry system has been followed for Rohingya refugees under UNHCR, and for Desa and T&T billing etc. Currently, we are using mobile phone network to send on-line data from power systems. On the basis of the experience of using different options, and considering the qualification and efficiency of data collection teams of our country, we are of the opinion that the use of OMR or OCR-form based data entry will not be fruitful. On the other hand, the use of laptops is slow and costly. Under these circumstances, use of conventional manual data entry paper forms will be the logical choice for our country. But, the data collection form should be designed such that it facilitates fast, error free and easy manual data entry.

Collection of data: The qualification and expertise in running the equipment/computer are the points for consideration in designing data collection process. The data collection team should be properly trained. Mere assumption is not sufficient that this specialised job can be executed by any disciplined team. We already have teams in the field level that can collect hand-written information. The Election Commission may be able to mobilise such a large team within weeks. They comprise mainly of school teachers. On the other hand,

how many of them will be able to fill up a computerised form smoothly and run the equipment at the same time is the question. After proper training, and after running a pilot project and modifying the system design (if necessary), we should be able to predict the time requirement properly.

The calculation should not be based on just following mathematics of multiplication. If it is a matter of collection of bio-data only, I would say a more or less correct prediction can be made. But, if the data collectors have to operate a camera for taking the photographs, run a laptop to synchronise the various data, operate a finger print scanner to capture the finger print, and manage a mobile generator to supply the power, I am in favour of a cautious time prediction.

Data digitisation: Since a large volume of data has to be digitised by entering data from the forms, it will take a long time if the data entry is to be made at a central location. The alternative is to establish data entry centres at the district level. We should not go beyond that level from the management point of view. Even when we think of district data entry centres, it is not easy to create 64 district centres overnight. It may be said that there are a large number of IT firms; each district centre may be assigned to a firm. Yes, that sort of idea has to be implemented; there is no point in keeping this part of the job at the government level. The point is that the IT firms alone cannot do the job by themselves. They have to appoint data entry operators, data control supervisors, centre chiefs etc. Since we do not have ready-made people, we have to develop those people. We have to give sufficient time for that.

Information integration: The proper integration of bio-data, photograph and biometric information is a very sensitive issue. Since the digitization of the bio-data and that of photograph and biometric data are made separately, the accuracy of proper integration will depend on the system followed during collection and integration processes. In case of integration, a common tag should be used. If the common tag is not automatically readable, there are chances of errors during integration of different types of information. In this case, bar code may be used. If the same bar codes are used for the digitization process of bio-data, photograph and biometric information, it is unlikely that they will be mixed up.

Identifying duplicate registrant: Using the biometric information, duplicate entry should be found out so that the same person cannot register from different places. All data should be collected at a central place using a network, and the duplicate data should be discarded after identifying them by software. If we do not use very powerful multidimensional biometric identification software, the process of duplicate screening will take a huge time. So, this issue must be considered during the system design.

ID card printing: One cannot use ordinary printers for printing ID cards having bio-data, photograph and biometric information. It needs special ID card printers. Now-a-days, very sophisticated ID card printers are available. In these printers blank cards are inserted from one side, in stages the bio-data, photograph, biometric information are inserted on the card and they come out of the printer after fine lamination and verification process. We used such a printer for the smart card that we used in our prepaid electricity meter. Of course, considering the volume of ID cards a number of printers having higher speed will be needed.

Central server and back-up system: We have to use very robust machines for storing the data in our national database. We cannot afford a single point of failure. So, redundancy is a must. Moreover, the infrastructure should be made in such a way that a

fibre optic connected remote back-up server maintains a constant mirror and comes into operation instantly in case of failure of the main server. Since very sensitive data will be stored in the servers, data security must be ensured at the utmost level so that no hackers can break it.

We shall welcome the present government's initiatives of the ID card project if the above points receive due consideration. Although the previous government declared ICT sectors as first sectors, they kept ICT initiatives in their files. Because of this, until today, neither an acceptable ICT infrastructure has been created nor has the required manpower been developed. We notice a large number of foreigners in the top-levels of our software/IT firms. No consolidated effort has been made so far to develop this sector under a well-thought plan and monitoring process. We have to appreciate our practical situation. We should develop our systems on our own; otherwise we cannot progress in this sector. Whenever the data of a citizen is required different agencies create their databases on their own.

Computerised birth registration process has been started, vehicle registration process is on-going, although weak, but the passport department has a database, police department maintains its own database, board of revenue manages a separate one, special branch again operates a database at the land and sea ports. The ideal situation would be to develop a central national database, having key information of every citizen, and different agencies will keep only the additional information of their need on the basis of the national ID. Today or tomorrow we have to establish national database. ID card should not be our target; it can be easily generated if we have a strong national database.

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Prospective mining sector Need for developing human resource

ENGR AKM SHAMSUDDIN

THE country is blessed with a proven reserve of more than 2000 million tons of high quality bituminous coal in Jamalganj, Barapukuria, Khalashpir, Phulbari and Dighipara coal basins. Barapukuria Coal Mine has been developed and commercial coal production has started. Madhaphara Granite Mine is going to start commercial production very soon. Both these underground coal and granite mines have been developed by Chinese and North Korean Mining Companies on turnkey contract basis respectively.

Since Bangladesh does not have adequate mining professionals, experts, engineers, technicians, supervisors, etc. in the mining sector, these two underground mines have been developed and put into production by hiring mining people starting from grassroots level to top executives from China and North Korea. These

prove that the country is relying too much on foreign mining contractors. Under the prevailing situation these contractors are not only delaying the completion of the projects but perhaps also making it difficult for Bangladesh to take over the mine expeditiously.

Under the above circumstances it has become utmost necessary to develop mining experts, mining engineers, mineral technologists, mining geologists, mine technicians, mine supervisors, etc. in the country in order to exploit huge coal deposits in particular, and other minerals in general, within shortest possible time. To start with it has become extremely important to set up a mining engineering department in any private or public University of Engineering and Technology in Bangladesh to produce graduate mining engineers.

Mining engineering programme
Mining Engineering is concerned with safe, economic and environ-

mentally sustainable recovery, processing and marketing of mineral resources from the earth. Mining Engineering degree programme includes elements from Mechanical Engineering, Civil Engineering, Geology, Geophysics, Geochemistry, Metallurgy, Commerce, Economics and Management. This means that graduates in mining engineering within this framework are very versatile and can progress rapidly both within the mining industry and in the sectors affiliated to the industry. Mining Engineering is an international profession. The Mining Engineering graduates will have the flexibility and opportunity to work in the areas such as mine operation, mine management, technical design, engineering design, mine environmental engineering, risk management, technology development, mine planning and design, financial evaluation, feasibility studies, policy formulation, administration regulation with

the government and other organisations.

Objectives: The objectives of the programme are to ensure that mining engineering graduates have gained sufficient underlying science and engineering knowledge together with an understanding of mine safety, mine management, rock mechanics, mining technologies and the mine environment to begin practicing as young professional engineers. The programme is intended to gradually build on the knowledge and skills of a student over the four years of programme, commencing with fundamentals of science and engineering and progressing on to specialities of mining engineering.

Outline: The Department of Mining Engineering in the private/public university in Bangladesh will offer a four-year full time programme in Mining Engineering leading to the award of the degree of Bachelor of Science in Engineering. Year-1 and 2 of the course will be similar to that of

other engineering courses and be primarily concerned with educating the students in basic science and engineering principles. However, 25 per cent of each year will be for applying this learning to basic elements of mining engineering and introducing the students to risk management, reporting, and presentation techniques and computing technologies in a mining engineering context. Year-3 will be largely devoted to basic mining courses. Year-4 will provide advanced instructions in mine operational courses and focus on integrating all the elements of the programme in the form of an investigative thesis and a full mine planning and operation.

Compulsory training: It will be obligatory for individual student to take one-month (30 days) practical training course after the completion of 1st, 2nd and 3rd year courses. The students will take these training courses in Barapukuria underground coal mine, Madhaphara underground

granite mine, proposed Khalashpir coal mine, Takerghat limestone quarry, Bijoypur white clay and any new mining projects that may be undertaken in any private and public sector. A foreign trip to India or China or Indonesia will be an attractive and useful step to enlighten the students with the state of the art technologies in mining.

Course description
Year-1: Introduction to Mining Engineering, Mathematics-1, Physics, Applied Mechanics, Geology for Mining Engineers, Mining Industry Practice, Materials for Mining Engineers, Chemistry-1, Mathematics-2.

Year-2: Structural Mechanics, Fluids and Thermodynamics, Mining Data Analysis (Statistics),

Engineering Math-1, Mining Project Development, Mining Stress Analysis, Mine Surveying, Engineering Maths-2, Electric Power Engineering.

Year-3: Mine Geology, Mine Geomechanics, Excavation Engineering, Handling and Storage of Explosives, Mine Infrastructures and Services, Mine Economics and Business System, Coal Mining Systems, Metal Mining Systems, Mine Workplace Environment, Mineral Processing.

Year-4: Mine Planning, Geotechnical Engineering, Mining Geomechanics, Mining Law, Mining Industries Applications, Coal Mine Design and Evaluation, Metal Mine Design and Evaluation, Environmental and Social Impacts of Mining, Mine Simulation and Modelling.

Resource personnel
The Mining Engineering degree programme includes about 60 per-

cent elements from Mining and about 40 percent from Mechanical, Electrical, Civil Engineering and Geology, Geophysics, Metallurgy, Commerce, Economics and Management. This 40 percent of non-mining elements of the courses may be covered by drawing resource personnel from BUET (Dhaka), DUET (Gazipur), University of Dhaka, University of Rajshahi, any other university of engineering and technology etc. As regards 60 percent mining elements, 30 percent may be covered from the mining engineering professionals who are presently actively associated with the mining activities in the country. The rest 30 percent resource personnel may be hired from India, Australia, China, UK, etc, as visiting professors.

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